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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. PAUL SELINGER, MARSHA SELINGER, :

: ORDER

Plaintiffs, 08 Civ. 2096 (RMB) (GWG)

-v.- :

CITY OF NEW YORK, et al., :

Defendants. :

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GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court writes to clarify the parties' responsibilities with respect to certain recent matters. Some confusion was created because a letter regarding pretrial matters was sent to Judge Berman rather than to the undersigned. The parties are reminded that pre-trial applications, including those relating to scheduling, should be made to the undersigned and not to Judge Berman. See Order, dated July 18, 2008 (Docket # 14). The only exception to his rule are motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification. See 28 U.S.C. § 636(b)(1)(A). Accordingly, the request for a pre-motion conference to file a motion to dismiss was properly made to Judge Berman and the conference set for this purpose will take place as scheduled before Judge Berman.

As to the matter raised in plaintiff's letter dated "August 7" [sic], the August 20 conference before Judge Berman (see Docket # 20) has been cancelled by virtue of the vacatur of Judge Berman's August 5, 2008 memorandum endorsement (see Docket # 22). On or before August 14, 2008, the City shall send a letter to the undersigned in response to plaintiffs' letter. The Court will thereafter inform the parties of the date of any conference to discuss the matter.

Defendant Morgenthau has filed a motion for a stay of discovery in accordance with this Court's Order of July 29, 2008 (Docket # 16). The Court assumed that the motion would be made at the same time as the proposed motion to dismiss, but there is no penalty for having filed the motion earlier. Plaintiffs may oppose the motion in accordance with the schedule established for the proposed motion to dismiss or may agree with defendant Morgenthau on some other schedule in accordance with paragraph 2.B of this Court's Individual Practices.

SO ORDERED.

Dated: August 11, 2008
New York, New York

GABRIEL W. GORENSTEIN
United States Magistrate Judge